

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.N. LBR 9004-1(b)

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In Re:

STEVEN V. TURSI & CRISTINA TURSI,
Debtors.

STEVEN V. TURSI & CRISTINA TURSI,

Plaintiffs,

vs.

FBC Mortgage, LLC, et al.,

Defendants.

Case Number: 18-34145-CMG

Chapter: 13

Judge: Honorable Christine M. Gravelle

Adv. Pro. Number 18-1631-CMG

ANSWER TO ADVERSARY COMPLAINT

Defendant FBC Mortgage, LLC, by way of answer to Plaintiffs' adversary complaint, says:

THE PARTIES

1. Admitted.
2. Admitted as to the address and tax information of the subject property; as to the marital status of the plaintiffs, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.
3. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.
4. Admitted.
5. Admitted.

JURISDICTION AND VENUE

6. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.
7. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.
8. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.
9. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.
10. (omitted)

FACTS COMMON TO ALL COUNTS

11. Denied.
12. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.
13. Admitted.
14. Admitted.
15. Admitted.
16. Admitted.
17. Admitted.

18. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

19. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

20. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

21. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

22. Admitted.

23. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

24. Admitted.

25. Admitted.

26. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

27. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

28. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

29. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

30. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

COUNT I

31. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

32. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

33. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

WHEREFORE, Defendant contests the relief sought in Count One and demands judgment awarding Defendant reasonable attorneys' fees and costs, dismissing Count One of the adversary complaint against Defendant FBC Mortgage, LLC, and granting further relief this Court deems appropriate.

COUNT II

34. Defendant repeats and realleges the allegations set forth above as if set forth at length herein.

35. Admitted.

36. Admitted.

37. Admitted.

38. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

39. Denied as to parts (a) and (b); as to part (c), Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

40. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiffs to their proofs.

WHEREFORE, Defendant contests the relief sought in Count Two and demands judgment awarding Defendant reasonable attorneys' fees and costs, dismissing Count One of the adversary complaint against Defendant FBC Mortgage, LLC, and granting further relief this Court deems appropriate.

AFFIRMATIVE DEFENSES

- 41. The Plaintiffs' pleading fails to state a claim upon which relief can be granted.
- 42. Defendant complied at all times with all existing and applicable Federal and State laws, rules, and regulations.
- 43. Defendant did not engage in any unlawful, deceptive, or unconscionable practices.
- 44. Defendant is not subject to liability for the actions of unrelated third parties.
- 45. Any injuries allegedly suffered by the Plaintiffs are due solely to the negligence and/or intentional acts of the Plaintiffs or third parties outside of the control of Defendant.
- 46. Plaintiff reserves the right to add additional defenses based upon discovery and other such information as may become available.

WHEREFORE, Defendant demands that the Complaint be dismissed, with prejudice.

/s/Denise Carlon , Esquire

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Dated: January 14, 2019